## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:19-CV-109-D

| CHRISTOPHER E. BUCKNER,      | )      |
|------------------------------|--------|
| Plaintiff,                   | )<br>} |
| v.                           | ORDER  |
| UNITED PARCEL SERVICE, INC., | }      |
| Defendant.                   | )      |

On May 17, 2019, plaintiff Christopher E. Buckner ("Buckner" or "plaintiff") filed an amended complaint and motion to recuse and remand [D.E. 16]. On May 31, 2019, United Parcel Service, Inc. ("UPS" or "defendant") responded in opposition [D.E. 18]. On May 31, 2019, UPS moved to dismiss plaintiff's amended complaint [D.E. 19]. On June 17, 2019, Buckner responded in opposition [D.E. 21]. On July 1, 2019, UPS replied [D.E. 22].

Plaintiff's motion to recuse and remand [D.E. 16] is DENIED as meritless. See [D.E. 18]. Defendant's motion to dismiss [D.E. 19] is DENIED. See Fed. R. Civ P. 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 677–78 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–63, 570 (2007); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 560 U.S. 30 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255 (4th Cir. 2009); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008).

SO ORDERED. This <u>L</u> day of August 2019.

JAMES C. DEVER III
United States District Judge